

BARRIERS TO KINSHIP CARE IN VIRGINIA

STUDY PLAN

Study Mandate

Direct the Commission on Youth to assess barriers to foster and kinship care placements in Virginia. Challenges which impact kinship care, including policies, training and funding, will be examined. Virginia's barrier crime laws will also be reviewed and compared to federal requirements to determine how they impact foster and kinship care placements. Findings and recommendations shall be reported to the Commission prior to the 2011 General Assembly Session.

Issues

- As of April 2010, there were 6,329 children in foster care in Virginia. Of these, 279 children were placed in a foster relative home/kinship care arrangement.
- Kinship care complements federal requirements of providing children with stability and permanency. Children in kinship care experience less trauma, have positive perceptions of their placements and have fewer behavioral problems.
- Kinship foster caregivers must meet the same approval standards as non-related foster parents. Foster care and kinship care providers must have background checks conducted through national crime information databases and state child abuse registries. While some crimes warrant mandatory exclusion under federal law, states may set standards for other convictions.
- Virginia policy requires that family members be considered first when out-of-home placements are sought for children. However, Virginia ranks last in the nation in the use of kinship care. In 2009, only 4.6% of Virginia foster care placements were in a kinship care setting. The national average is 24%.
- There are challenges to utilizing kinship care in Virginia. Training requirements, licensing requirements and funding are a few of the identified impediments.
- A comparison of Virginia's barrier crime statutes to federal standards will also be helpful to ascertain whether modifications to Virginia's statutes will encourage more kinship foster care placements, while protecting children in care.

Study Activities

- Literature review
 - Review role and benefits of kinship care
 - Review national literature on best practices in foster care/kinship care, including research from the Child Welfare League of America and U.S. Department of Health and Human Services
 - Identify best-practices in kinship care

- Review federal legislation/statutes
 - *Fostering Connections to Success and Increasing Adoptions Act* (P.L. 110-351)
 - Titles IV-B and IV-E of the Social Security Act
 - Social Services Block Grant (SSBG)
 - Temporary Assistance for Needy Families (TANF) block grant
 - *The Adoption and Safe Families Acts of 1997*
 - *The Adam Walsh Child Protection and Safety Act of 2006*
 - *The Child Abuse Prevention and Treatment Act (CAPTA)*
- Convene Work Group to assist in study effort.
 - Invite representatives from the impacted groups including:

Secretary of Health and Human Resources	Virginia Department of Education
Virginia Department of Social Services	Virginia Department of Aging
Local Departments of Social Services	Virginia's Court Improvement Program –
Virginia League of Social Service Executives	Supreme Court of Virginia
Virginia Juvenile and Domestic Relations Judiciary	Department of Juvenile Justice
Department of Behavioral Health and Developmental Services	Virginia Association of Counties/Virginia Municipal League
Parent Representatives	Faith-Based Community
Office of Comprehensive Services	Private child placing agencies
State Executive Council	Advocacy Organizations
Department of Criminal Justice Services	CASA Representatives
	Virginia Association of Community Services Boards
- Review Virginia laws and regulations
 - Barrier crime statutes for foster and adoptive homes
 - Statutorily-created exclusions to Virginia's barrier crime laws
- Analyze Virginia practices and data
 - Review kinship care arrangements in Virginia, both formal and informal
 - Review Virginia's data on utilization of kinship care by locality
 - Identify previous Virginia analyses on kinship care
 - Coordinate with Virginia's Children's Services System Transformation
 - Receive presentations on current efforts encouraging kinship care
 - Review state and local Department of Social Services (DSS) policies and practices
 - Survey local DSSs for practices and suggested changes
 - Review Virginia's study of subsidized custody
 - Monitor Virginia's plan to increase the permanent placement of children with families and reduce the number of children in foster care by 25% by 2020 (HB 718, 2010, Peace)

- Summarize other states' barrier crime statutes
 - Collect and analyze other states' kinship care/foster care laws
 - Compare barrier crime laws in identified states
 - Assess whether other states' statutes are more or less restrictive than federal standards
 - Assess how variation in laws impacts safety and placement of children in kinship care
- Assess constituents' perceptions
 - Interview local DSS directors, consumers and relatives providing kinship care
 - Interview family members and other caregivers
 - Identify and coordinate with kinship care support groups (AARP, churches, other)
- Develop recommendations
 - Synthesize findings from surveys, other states and constituent groups
 - Develop recommendations for improvement
 - Solicit feedback to recommendations from constituents and DSS
- Solicit feedback to recommendations
- Refine findings and recommendations
- Present findings and recommendations to the Commission on Youth
- Prepare final report